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9 BOBADILLA, *a Public Employee*; THOMAS ARMSTRONG, *a Public*
10 Employee; STEVE SCHUSTER, *a Public Employee*; SANTOS HERNANDEZ, *a*
11 Public Employee

12 UNITED STATES DISTRICT COURT
13
14 CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

15 BRIAN GLICK,

16 Plaintiff,

17 v.

18 CITY OF EL MONTE, a municipal
19 corporation; RENE BOBADILLA,
20 individually and as City Manager for
21 the City of El Monte; THOMAS
22 ARMSTRONG, individually and as
23 Chief of Police for the El Monte Police
Department; KEN WELDON,
individual and as Chief of Police for the
El Monte Police Department; STEVE
SCHUSTER, individually and as
Chief of
Police for the El Monte Police
Department; MARCIE VAIL,
individually and as Police Captain for
the El Monte Police Department;
SANTOS HERNANDEZ, individually
and as Police Lieutenant for the El
Monte Police Department, and DOES 1
through 10, inclusive,

24 Defendants.

CV 12-07443 PSG(VBK)

NOTICE OF REMOVAL OF CIVIL
ACTION

25 **TO THE CLERK OF THE COURT:**

26 **PLEASE TAKE NOTICE** that Defendants, a public entity, and its public
27 employees, Rene Bobadilla, Thomas Armstrong, Steve Shuster, and Santos
28 Hernandez hereby removes to the Court the state action described below.

1 1. On April 4, 2012, a complaint was filed in Superior Court of the State
 2 of California in the County of Los Angeles, LASC case no.: BC481980 entitled
 3 *Brian Glick, Plaintiff vs. CITY OF EL MONTE, a municipal corporation; RENE*
 4 *BOBADILLA, individually and as City Manager for the City of El Monte;*
 5 *THOMAS ARMSTRONG, individually and as Chief of Police for the El Monte*
 6 *Police Department; STEVE SCHUSTER, individually and as Captain, Assistant*
 7 *Chief and Chief of Police for the El Monte Police Department; SANTOS*
 8 *HERNANDEZ, individually and as Police Lieutenant for the El Monte Police*
 9 *Department, and DOES 1 through 10, inclusive,* which is attached as Exhibit "A"
 10 hereto. A copy of the summons is attached as Exhibit "B" hereto.

11 2. Defendant, City of El Monte, and its individual employees, Rene
 12 Bobadilla, Thomas Armstrong, Steve Schuster, Santos Hernandez were properly
 13 served with the complaint on July 31, 2012.

14 3. This is an action of which this Court has original jurisdiction under 28
 15 U.S.C. § 1331 and is one which may be removed by this Court by all Defendants,
 16 under 28 U.S.C. § 1441 (b), in that the Plaintiff 's Second Cause of Action arises
 17 under and alleges an action for "Free Speech Retaliation" against all defendants
 18 pursuant to 42 U.S.C. § 1983 Free Speech Retaliation against all Defendants.
 19 "Federal question jurisdiction exists if the "well-pleaded complaint establishes
 20 either that federal law creates the cause of action or that the plaintiff's right to relief
 21 necessarily depends on resolution of a substantial question of federal law."
 22 Franchise Tax Bd. v. Construction Laborers Vacation Trust, 463 U.S. 1, 27-28,
 23 (1983)...When a federal question is present on the face of the complaint, the
 24 district court has original jurisdiction and the action may be removed to federal
 25 court. See Caterpillar, Inc. v. Williams, 482 U.S. 386, 392-93(1987)." Randy
 26 Williams v. Ragone 147 F.3d 700 (8th Circuit 1998)

27 4. That Plaintiff's Second Cause of Action alleges an action for "Free
 28 Speech Retaliation" alleges that the Plaintiff made statements regarding

1 improprieties related to the actions of his fellow employees in his capacity as the
 2 Acting Captain. Plaintiff alleges that he was retaliated against as a result of making
 3 statements adverse to the individual interests of the police department employees.
 4 "[T]he presence of even one federal claim gives the defendant the right to remove
 5 the entire case to federal court." Gaming Corp., 88 F.3d at 543. City of Chicago v.
 6 International College of Surgeons, 118 S.Ct. 523, 529, 139 L.Ed.2d 525 (1997).
 7 Where at least one federal claim is involved, federal courts have supplemental
 8 jurisdiction over state law claims that are so related to the federal claim that they
 9 form part of the same case or controversy. See 28 USC § 1367(a). By raising
 10 claims that arise under federal law, Glick subjected himself to the jurisdiction of
 11 the federal court.

12 6. Therefore, this Court has original jurisdiction under "Free Speech
 13 Retaliation" pursuant to 42 U.S.C. §1983 and the case law cited above.

14 7. All Defendants are entitled to remove this action to this Court pursuant
 15 to 28 U.S.C. §1441 (b).

16 8. The Superior Court for the County of Los Angeles, Central
 17 Courthouse is located in the Central District- Western Division and therefore this
 18 Court is the proper court for the removal of this action.

19 Dated: August 29, 2012

DOUMANIAN & ASSOCIATES

20
21
22 By: _____

NANCY P. DOUMANIAN, ESQ.

Attorneys for Defendants,
 CITY OF EL MONTE, *a Public Entity*; RENE
 BOBADILLA, *a Public Employee*; THOMAS
 ARMSTRONG, *a Public Employee*; STEVE
 SCHUSTER, *a Public Employee*; SANTOS
 HERNÁNDEZ, *a Public Employee*

EXHIBIT “A”

SUM-200(A)

SHORT TITLE:

Glick v. City of El Monte

CASE NUMBER:

INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
 → If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff ☒ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

THOMAS ARMSTRONG, individually and as Chief of Police for the El Monte Police Department; KEN WELDON, individually and as Chief of Police for the El Monte Police Department; STEVE SCHUSTER, individually and as Chief of Police for the El Monte Police Department; MARCIE VAIL, individually and as Police Captain for the El Monte Police Department; SANTOS HERNANDEZ, individually and as Police Lieutenant for the El Monte Police Department, and DOES 1 THROUGH 10 INCLUSIVE,

Defendants.

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APR 02 2012

**LOS ANGELES
SUPERIOR COURT**

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8 BRIAN GLICK

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES – EAST DISTRICT**

11 BRIAN GLICK,

12
13 Plaintiff,

14 vs.

15 CITY OF EL MONTE, a municipal corporation;
16 RENE BOBADILLA, individually and as City
17 Manager for the City of El Monte; THOMAS
18 ARMSTRONG, individually and as Chief of
19 Police for the El Monte Police Department; KEN
20 WELDON, individually and as Chief of Police
21 for the El Monte Police Department; STEVE
22 SCHUSTER, individually and as Chief of Police
23 for the El Monte Police Department; MARCIE
VAIL, individually and as Police Captain for the
El Monte Police Department; SANTOS
HERNANDEZ, individually and as Police
Lieutenant for the El Monte Police Department,
and DOES 1 THROUGH 10 INCLUSIVE,

24 Defendants.
25
26
27
28

Case No.: **KU063495 R**

**COMPLAINT FOR DAMAGES AND
DECLARATORY AND INJUNCTIVE
RELIEF**

DEMAND FOR JURY TRIAL

**CASE ASSIGNED FOR
ALL PURPOSES TO
JUDGE ROBERT A. DUKES,
DEPT. R**

LACKIE, DAMMEIER & MCGILL,
A PROFESSIONAL CORPORATION

1 1. Glick, at all times relevant to this complaint, was employed by the City of El
2 Monte as a peace officer pursuant to Cal. Penal Code Section 830.1. As such, Glick is/was
3 entitled to the benefits and protections of the Public Safety Officers Procedural Bill of Rights
4 Act, located at Cal. Gov't Code Sections 3300 et seq. Glick's home address is confidential under
5 Cal. Penal Code Sections 146(e) and 832.7, and Cal. Vehicle Code Section 1808.4(a)(11).

6 2. Defendant City of El Monte ("the City") is a duly constituted municipal
7 corporation operating under the laws of the State of California, wholly situated in the County of
8 Los Angeles. El Monte Police Department ("the Department") is an operating department of the
9 City. At all times relevant herein for all purposes connected with the management of
10 employment relations matters within the El Monte Police Department, the City delegated its final
11 policy-making authority to Defendants Thomas Armstrong, Steve Schuster, Ken Weldon and
12 Rene Bobadilla. City adopted and ratified each of their decisions as alleged herein as its own
13 policies, customs, practices or decisions, as if the same had been promulgated directly by the
14 City.

15 3. Defendants Thomas Armstrong ("Armstrong"), Ken Weldon ("Weldon") Steve
16 Schuster ("Schuster") are/were the Chiefs of Police for the El Monte Police Department, and
17 maintained this position at times relevant to this complaint. Rene Bobadilla ("Bobadilla") was
18 the City Manager for the City of El Monte. Defendant Santos Hernandez is a Lieutenant and or
19 Captain for the El Monte Police Department at all times relevant to this complaint. In doing the
20 things alleged herein, these individuals acted under color of state law, within the course and
21 scope of their employment, and as an official policy-makers for the City. As Department Heads
22 and high ranking officials, these individuals are vested with policy-making authority over actions
23 such as the ones at issue in this complaint.

24 4. Defendant DOES 1 through 10 are not known or identified at this time. On
25 information and belief, Plaintiff alleges that each Doe is in some manner responsible for the
26 wrongs alleged herein, and that each such Defendant advised, encouraged, participated in,
27 ratified, directed, or conspired to do, the wrongful acts alleged herein. When the true names and
28

1 capacities of said Defendants become known, Plaintiff will seek relief to amend this complaint to
2 show their true identities in place of their fictitious names as DOES 1 through 10.

3 5. Defendants, and each of them, were the agents, employees and servants of every
4 other Defendant. Defendants acted in the course and scope of said agency, service and
5 employment at all relevant times.

6 6. Defendants and employees and agents of Defendants have discriminated, harassed
7 and retaliated against Glick for the lawful exercise of his individual civil rights and liberties of
8 free expression and participation in labor, union, and political activities, and his reporting of
9 violations of state and federal law and other matters of public concern. Defendants have targeted
10 Glick due to these lawful actions. Glick has repeatedly complained about this treatment to his
11 superiors, including Defendants.

12 7. After taking office as EMPOA President, Glick engaged in numerous political,
13 social and other causes for the betterment of the employees and the public. He was instrumental
14 in contract negotiations and handling significant employment matters within the Department. In
15 furtherance of these activities, he was required to make public commentary about matters
16 occurring within the Department and take stances on various issues crucial to the EMPOA
17 members.

18 8. In addition, in or about 2008, Glick was approached by several EMPOA members
19 who were under the direct supervision of Defendant Hernandez. The members reported several
20 instances of misconduct on Hernandez' part, including officer safety issues placing officers in
21 harm's way, theft of public funds, and unlawful ordering employees not to contact their EMPOA
22 representatives. Glick submitted a two-page memorandum to Defendant Armstrong outlining
23 several of the concerns and violations alleged by Glick and the EMPOA. Glick also sat down
24 with Armstrong and Assistant-Chief Schuster to discuss the memo. Later, in or about 2009,
25 Glick testified about the contents of the 2008 memo during a civil proceeding brought by another
26 EMPOA Board member against Defendant Hernandez.

27 9. Further, Glick was also instrumental in the arrest of a controversial businessman
28 in El Monte. Based on information and belief, at all times relevant to this action, John Leung

1 was the owner/CEO of Titan Group, the largest real estate developer for the City of El Monte. In
2 or about 2008, Glick participated in an investigation involving real estate developer John Leung.
3 wherein Leung was being investigated as a defendant in a forgery/fraud case. The facts
4 supported allegations that Leung was issuing checks from an El Monte Chamber of Commerce
5 bank account, of which Leung was not authorized to withdraw funds. The investigation was
6 prompted by a victim who contacted the Financial Crimes Unit through an intermediary.

7 10. Based on information and belief, the 2008 criminal investigation of John Leung
8 was transferred to the Los Angeles Sheriff's Department. In or about 2008, Glick and Detective
9 Eric Walterscheid met with El Monte City Attorney Clarke Mosley. During the meeting, Mosley
10 stated that he felt that union groups in El Monte had too much power and that if it were up to
11 him, he would smash them all and take their power. However, he went on to tell them that he
12 needed their help to pass a bond measure.

13 11. On or about April 8, 2009, Glick was contacted regarding another criminal
14 investigation of John Leung, this time involving allegations of forgery and embezzlement. The
15 investigation began when victims contacted Detective Rick George, who in turn contacted Glick
16 to assist with the investigation. On or about April 14, 2009, Glick initiated a formal
17 investigation regarding the allegations against John Leung.

18 12. On or about April 22, 2009, Glick and his partner, Detective George, attended a
19 prearranged meeting between Leung and the alleged victims. Plaintiff recorded both audio and
20 video of John Leung admitting to the forgery of loan documents and theft of over 1.4 million
21 dollars.

22 13. On or about April 30, 2009, Glick took the case to the FBI office in the city of
23 West Covina and met with an FBI Special Agent to discuss possible violations of federal crimes.
24 On May 20, 2009, Glick and Detective George submitted the completed crime report regarding
25 the forgery/embezzlement allegations against John Leung and Jean Jang of Titan Group. The
26 report was approved by the supervisor of the Detective Bureau.

27 14. On or about June 19, 2009 arrest warrants were issued in the Los Angeles
28 Superior Court for the arrests of John Leung and Jean Jang based on Glick's investigation. The

1 same day, Glick and another detective arrested Leung pursuant to the warrant. Jang was arrested
2 the following day. Within an hour of booking Leung, Glick met with Lieutenant Fetner in
3 Fetner's office. During the conversation, Fetner expressed his concern that the arrest of Leung
4 would be perceived by the administration as having been politically motivated by the EMPOA.

5 15. On or about June 20, 2009, search warrants were issued in the Los Angeles
6 Superior Court for a search of the Titan building for documents related to the criminal
7 investigation against Leung and Jang. Several individuals participated in the search, including
8 Glick, Lt. Fetner, and Detective Fisher. During the search, Lt. Fetner received a cell phone call
9 Chief Armstrong, who explained that he was on his way to the search site from his personal
10 residence. Glick pointed out how unusual it was for the Chief of Police to respond to a search
11 warrant, particularly on a weekend. Lt. Fetner agreed but chose not discuss it any further,
12 explaining instead that the Chief would discuss the matter when he arrived.

13 16. When Armstrong arrived onscene, he called Lt. Fetner. Fetner told Glick that the
14 Chief wanted to meet with Glick alone. Glick went downstairs with Fetner and met with the
15 Chief, who seemed very uncomfortable and uneasy. As they spoke, other detectives were in the
16 area loading collected evidence into the vehicles. The Chief asked the rhetorical question, "We
17 always knew he was shady, didn't we?" The Chief told Glick that the City was requesting
18 binders that were located in the Titan Group office upstairs. Armstrong named and described the
19 binders after calling City Attorney Dave Gondeck to get the information about the binders. The
20 Chief told Glick the binders contained information regarding the procedures for removing Leung
21 and Jang as managing members of numerous LLCs related to City development. Armstrong
22 became frustrated after Glick pointed out how unusual it seemed that the City, as a LLC member,
23 would not have copies of the binders. The Chief told Glick that Glick would have to ask himself
24 if retrieving the folders would be ethical. Glick posed the question back to the Chief. Armstrong
25 said, "You'll have to ask yourself." The Chief then left the scene, telling Glick, "Good job."

26 17. Because of the unusual nature of Armstrong's request, and because the binders
27 ultimately fell under the purview of the search warrant, Glick asked Lt. Fetner if retrieving the
28 binders would be appropriate. Lt. Fetner stated his belief that the search warrant did in fact

1 encompass the binders. Glick retrieved the binders and placed them into evidence with all of the
2 other documents.

3 18. On or about June 22, 2009, Glick met with Chief Armstrong at Armstrong's
4 request. When Plaintiff arrived, he met with Chief Armstrong, Assistant Chief Schuster, Captain
5 Marcie Vail, and Sergeant Cano. Plaintiff had three other detectives with him but Chief
6 Armstrong initially voiced his objection to the other detectives attending the meeting with
7 Plaintiff. Armstrong was visibly upset and immediately asked (1) whether Plaintiff intended to
8 file charges against Leung and Jang; (2) the amount of the bail; and (3) who had requested a bail
9 enhancement against the defendants.

10 19. After Glick answered the Chief's questions, Chief Armstrong stated that the
11 position of the City was that the investigation had been made on behalf of the EMPOA, not the
12 City or the Police Department. Armstrong accused the EMPOA of publicly attacking Leung in
13 the past. Plaintiff and the other detectives voiced opposition to Armstrong's assertion. Plaintiff
14 then referenced Armstrong's comment regarding Leung being shady. The other administrators
15 in the room all appeared surprised by this revelation. Armstrong confirmed his earlier comment
16 and then abruptly ended the meeting.

17 20. Within weeks, Plaintiff was approached by an accountant for Leung and Jang.
18 She detailed several of the irregular and unlawful accounting and billing practices used by the
19 Titan Group to defraud the City of El Monte out of at least \$700,000.00. She also produced
20 physical evidence to prove the same. Also, two former of employees of the Titan Group
21 corroborated her statements. The investigation produced evidence strongly suggesting political
22 corruption within the City of El Monte linked to the Titan Group.

23 21. Based on information and belief, the El Monte Police Department received and/or
24 receives rent-free office space from the Titan Group wherein it houses its Internal Affairs
25 Department.

26 22. Based on information and belief, at least one El Monte City Councilperson
27 received substantial unreported gifts from John Leung and the Titan Group.
28

1 23. Based on information and belief, Armstrong—and Marcie Vail at Armstrong's
2 direction—made numerous attempts to have property seized under the Titan Group investigation
3 released to City officials. Based on information and belief, Armstrong also wanted the money in
4 the frozen Titan accounts to be released to the Defendants.

5 24. Based on information and belief, Armstrong facilitated the diversion of real estate
6 revenues that would have normally been deposited into the frozen accounts, into new accounts
7 wherein the revenues could be paid back to the City and to Leung to be used in his legal defense.

8 25. In the ensuing weeks, Plaintiff received a phone call from an attorney at the
9 District Attorney's office expressing concern over multiple inquiries made by Armstrong and his
10 staff regarding the procedures necessary for having the money and property released from the
11 Titan Group investigation. The attorney thought it was highly irregular and inappropriate.

12 26. Based on the apparent conflict of interest between the Titan Group investigation
13 and the City of El Monte, the Los Angeles County District Attorney's Public Integrity Division
14 assumed the criminal investigation.

15 27. In or about June 2009, based on information and belief, Chief Armstrong
16 approached members of the EMPOA and encouraged them to recruit others who were more
17 likely to further the agenda of his administration to run for Board of Director positions in an
18 attempt to influence the makeup of the EMPOA Board. Based on information and belief,
19 Armstrong sent emails in the same vein.

20 28. On or about July 29, 2009 an email was sent to all police personnel with new El
21 Monte Police Department directives attached. In this email there were several revisions to
22 existing policies as well as a new police which was, "Directive Supervisor Notification 09-06
23 titled 600.3 Supervisor Notification. (Refer to EMPD Department Directive 09-06 section
24 600.3). This directive essentially states, in part, that employees must notify supervision of
25 investigations regarding high profile individuals.

26 29. On or about August 12, 2009, Detective George met with Armstrong, who
27 brought up the Titan Group case stating, "This is not the reason you're going back to patrol, but I
28 feel it is a matter of distrust you guys had with management."

1 30. On or about August 13, 2009, Lt. Hernandez was assigned to supervise the
2 detective bureau. Based on information and belief, this assignment was ordered to more closely
3 monitor Plaintiff's activities as a result of the Titan Group investigation. Since Lt. Hernandez
4 was assigned to this position, he has routinely shown hostility towards Plaintiff that is
5 inconsistent with the manner in which he treats other similarly situated employees. Several
6 employees have approached Plaintiff and offered statements regarding Hernandez' stated
7 opposition to the EMPOA and his intentions to retaliate against Plaintiff.

8 31. On or about August 19, 2009, Plaintiff was given a counseling memorandum
9 prepared by Lt. Hernandez that accuses Plaintiff of policy violations regarding the improper
10 handling of evidence. Based on information and belief, Plaintiff's actions as outlined in the
11 memo are consistent with past practices in the detective bureau. Notably, during the documented
12 counseling session, Lt. Hernandez accused Glick of being more concerned with Titan Group
13 evidence than evidence from other investigations. Furthermore, the exact same conduct for
14 which Glick was admonished in the memo, was later approved of by Lt. Hernandez as it related
15 to another officer.

16 32. Based on information and belief, Lt. Hernandez has himself violated protocols for
17 handling evidence on at least two instances since disciplining Glick for the same.

18 33. Further evidencing Defendant Hernandez' complete disregard for Department
19 policy and procedure involved a traffic collision that occurred in or about 2008. Based on
20 information and belief, Hernandez unlawfully deleted a computer entry regarding the traffic
21 collision in order to destroy evidence that his friend had been found at-fault in the accident.
22 Only after the non-at-fault driver demanded a copy of the report, stating that he knew the report
23 existed, was the entry restored by another El Monte Police Lieutenant. Based on information
24 and belief, this is not the only instance in which Defendant Hernandez abused his position to
25 influence the outcome of a traffic investigation based on his personal relationship with one of the
26 involved drivers.

27 34. In or about late August/early September, Armstrong invited Glick to lunch to
28 discuss EMPOA issues. During the lunch, Glick told Armstrong he was being singled-out and

1 treated differently because of his role in the Titan Group investigation and his role as president of
2 the EMPOA.

3 35. Glick has informed Chief Armstrong that he is being retaliated against by Lt.
4 Hernandez. Armstrong has completely failed to address the issue. In addition, after City
5 Manager Rene Bobadilla took over, he immediately began a campaign to retaliate against Glick
6 for his protected activities and the disclosures he has made.

7 36. Bobadilla personally prohibited Schuster from assigning EMPOA President Brian
8 Glick to a specialized assignment-a joint task force-for which he was deemed to be the most
9 qualified, purely out of spite, ill will and hatred for Glick's protected activities and disclosures.
10 On June 13, 2011, Bobadilla threatened Schuster that although Glick was selected for the
11 assignment, he was not to allow him to go under any circumstances. Bobadilla indicated to
12 Schuster that he didn't care how he did it, but Glick was not going to the assignment. Bobadilla
13 stated that if Glick was going to meddle with City politics, Bobadilla is going to fuck with
14 Glick's livelihood. Bobadilla stated that he wants to keep Glick right at the Department "under
15 his thumb" and we will see who has the last laugh.

16 37. Hernandez, along with other high ranking Department personnel, have admitted
17 that they felt this action by Bobadilla was unnecessary and retaliatory, and have stated that they
18 were placed in an awkward position by having to manufacture a pretextual basis to not select
19 Glick for the position. In fact, Glick was the subject of ongoing ridicule and jokes amongst
20 Department management as he spent months preparing for the specialized assignment.
21 Department management would ridicule Glick as he prepared knowing that in the end Glick was
22 not going to the assignment. In fact, by intentionally failing to notify Glick or the task force that
23 Glick was not going to join the task force, money was spent by both Glick and the task force
24 preparing for his addition. This tax payer money was ultimately wasted, simply in furtherance of
25 the retaliatory effort. By not being assigned to this position, Glick suffered financial and
26 emotional damages. These actions demonstrate the extent at which Defendants will go to exact
27 revenge.
28

1 38. On September 13, 2011, Glick was notified by Schuster that he would not be
2 given the assignment, despite the fact that he had already been selected. Schuster's excuse was
3 "staffing levels and budget," the very same excuse high ranking Department personnel
4 previously indicated they would manufacture to keep Glick from going to the assignment.

5 39. Bobadilla, and his agents, have unilaterally sought out a basis to retaliate against
6 Glick. For example, Hernandez, at Bobadilla's request, contacted the Department of Child and
7 Family Services to illegally obtain the complete file on Glick to determine whether he had done
8 anything wrong in those proceedings, despite the fact that no one had complied that he had. This
9 action in seeking out misconduct to retaliate against Glick is unprecedented. In addition, the
10 Defendants are illegally in possession of sealed and confidential documents relating to Glick that
11 were obtained through illegal sources, under color of authority.

12 40. Furthermore, Glick has been denied reasonable requests to flex his time by a mere
13 10 minutes in order to drive his daughter to school; the denial of these requests is in stark
14 contrast to other Department members who have been allowed to flex their time. The denial of
15 these requests has been made out of retaliation against Glick.

16 41. Further, Glick has been denied the right to wear the same uniform as other
17 similarly situated officers. This action was taken, again, out of retaliation. Glick was unlawfully
18 the subject of an internal affairs investigation regarding trivial matters that were years old, and
19 later was admonished in writing for the incident. Glick has been negatively marked down on his
20 annual evaluation for use of EMPOA release time, which is granted to him by the City. No other
21 EMPOA Board Members have had such negative entries.

22 42. Defendants and management personnel have encouraged members who are not
23 supporters of Bobadilla to not run for the EMPOA Board of Directors, and that if they do, they
24 will ruin their careers. Management routinely specifically monitors Glick's attendance to
25 determine whether he is late to work; they perform no such monitoring of other employees.
26 Glick has been ordered to conduct absolutely no political or EMPOA business on duty despite
27 the fact that Defendants conduct political business on duty and Defendants have specifically
28 allowed other employees to conduct EMPOA and political business on duty. Weldon and

1 Armstrong have public stated, in particular at Armstrong's retirement party, that Glick and
2 EMPOA have caused problems for them.

3 43. Glick has been told by high ranking officials that he is being watched more
4 because he is the "main guy" on the EMPOA Board. They have also indicated that they are
5 going to put Glick "in his place." Management personnel have intentionally placed Glick at a
6 certain desk so that he is visible and they can observe everything he is doing and saying, in the
7 hopes that they can find some basis to discipline and retaliate against him.

8 44. On March 31, 2011, Glick met with retired Chief of Police Ken Weldon. Weldon
9 indicated that Steve Schuster contacted him and needed his help and asked if he would sit down
10 and speak with Glick. During the conversation, Weldon indicated he wanted to talk about
11 Glick's future. Weldon indicated that Schuster, the soon to be new Chief, wanted Glick to
12 promote to Sergeant, but that he would not be promotable as long as he remained the EMPOA
13 President and friends with the Mayor. Glick indicated that he is not the type of Sergeant
14 administration wants as he does not go after people. Weldon responded that "well that's what I
15 figured and that's what you are." Weldon threatened "you're in the way, there's a train comin',
16 if you don't wanna get run over get the fuck out of the way and stop being friends with the
17 Andre."

18 45. Bobadilla solicited a complaint from owners of a local brewery against Glick and
19 another EMPOA Board Member, Eric Walterscheid, for allegedly threatening and harassing the
20 owners. The owners met with Bobadilla on an unrelated matter and when the fact that Glick and
21 Walterscheid were mentioned in passing, Bobadilla specifically sought negative information
22 from the owners about Glick and Walterscheid. As a result, Bobadilla initiated a frivolous
23 internal affairs investigation on Glick and Walterscheid. Walterscheid was placed on
24 administrative leave regarding the matter. The owners later testified that Bobadilla misconstrued
25 their comments and that Glick and Walterscheid had done nothing wrong.

26 46. Bobadilla has made clear that he despises the EMPOA, the political and social
27 causes the EMPOA engages in, as well as the EMPOA Board of Directors and its President
28 Brian Glick, in particular. Bobadilla has openly made remarks to numerous individuals stating

1 that: "the EMPOA is fucked;" "they [referring to the EMPOA and Board Members] are going
2 down;" "I'm going to take the EMPOA down;" "Walterscheid is going down;" "Glick is going
3 down;" and "I'm going to get rid of all those fuckers." Bobadilla further revealed to individuals
4 intimate details regarding a confidential internal affairs investigation involving an EMPOA
5 Board Member, in violation of state and federal law. Bobadilla expressed hostility towards this
6 members stating that he "will never see this Department again; he is not coming back to work."

7 47. Bobadilla has facilitated a political environment aimed at breaking the EMPOA.
8 For example, he has high ranking officials asking tenured officers "which side the employee is
9 on, admin's side or the EMPOA's side." Former employee Brian Helien was retaliated against
10 for disclosing illegal activities by Bobadilla including illegal bidding and illegally gifting City
11 property and funds. In retaliating against Helien, Bobadilla threatened Helien stating "are you
12 gonna turn out to be another Brian Glick, well fine then I'll order you not to come around my
13 office also." Bobadilla was referring to the fact that he had previously ordered Glick not to come
14 near Bobadilla or talk to him due to his hatred for Glick.

15 48. In or about November 2009, based on information and belief, Hernandez
16 responded to a comment regarding this recent transfer by stating that he was being sent to the
17 Detective Bureau to "clean up the mess."

18 49. Based on information and belief, Hernandez frequently sends others to separate
19 Glick from other EMPOA members and inquire as to whether or not they were discussing
20 EMPOA business.

21 50. On or about November 30, 2009, based on information and belief, Captain Vail
22 sent an email to Captain Hopkins containing a disparaging comment about Glick ostensibly
23 based on his participation in the Titan Group investigation.

24 51. Glick was recently given a negative mark on an annual evaluation based on the
25 violation of an obscure email policy. Based on information and belief, there is no mention of the
26 same violation in the evaluations of several other officers who were placed on notice for
27 violating the same policy.
28

1 52. On or about December 2009, Captain Hopkins sent several text messages
2 regarding his intention to retaliate against Glick. Specifically, he stated that there was no
3 need to worry because Glick would be gone soon or dealt with soon.

4 53. On or about December 29, 2009, Glick sent an email to a supervisor that
5 mentioned retaliation. On or about Thursday January 21, 2010, Defendant Hernandez ordered
6 Glick to prepare a memorandum regarding the retaliation he had been subjected to by the
7 Department. He set the "due date" of the memo as the following Monday. Glick asked for more
8 time to prepare the memo due to his obligations as parent of a young daughter. When Glick
9 asked for a week to prepare the memo, Hernandez called him "difficult." That same day,
10 Hernandez emailed Glick setting the deadline as Tuesday January 26th at 9:00am.

11 54. On January 26, 2010 at approximately 8:40am, Glick provided Hernandez with a
12 nine-page draft copy of a Tort Claim (listing, among others, Hernandez as a defendant) prepared
13 by his designated legal counsel setting forth, in detail, the facts relating to his retaliation claims.
14 Glick also provided a letter from his law firm explaining that the Tort Claim draft should satisfy
15 the memorandum requirement.

16 55. On January 28, 2010, Glick was ordered by Defendant Hernandez into Captain
17 Marcie Vail's office. Glick was not informed of the nature of the meeting. Glick was provided
18 with a memo from Captain Vail entitled "Order to Complete Memorandum as Assigned." The
19 memo states the Captain's belief that "a communication from [Glick's] attorney does not
20 constitute completion of the memorandum" It goes on to state Vail's curious conclusion
21 that notwithstanding the detailed information in the Tort Claim, Glick has "not provided the
22 Police Department / City the information with which to address the [retaliation] issue or launch
23 an investigation into such charges." Remarkably, Vail re-ordered Glick to provide a
24 "memorandum delineating the retaliation [Glick] has suffered" by February 4, 2010 at 5:00pm.
25 This order was a transparent attempt to further retaliate and harass Glick.

26 56. Based on information and belief, Defendant Hernandez told another officer that
27 one of the door locks to the Detective Bureau was being changed so as to monitor which
28 individuals visit Glick and for how long.

1 57. It is clear that Defendants have retaliated against Glick for the lawful exercise of
2 his individual civil rights and liberties of free expression and participation in labor, union, and
3 political activities. Defendants have further retaliated against Glick for his reporting of
4 violations of state and federal law. Glick did nothing more than exercise his Constitutional rights
5 and rights under the Public Safety Procedural Bill of Rights Act.

6 58. Glick was subjected to adverse employment actions as a result of engaging in the
7 aforementioned protected speech activities. There exists no legitimate justification for taking the
8 adverse actions against Glick. Furthermore, Defendants' willingness to interfere in EMPOA
9 matters and Defendants' open and obvious hostility toward the EMPOA, and by extension its
10 president—Glick, evidences Defendants' complete lack of respect for both federal and state
11 employment laws.

12 59. Plaintiff has exhausted all administrative remedies to compel the relief sought
13 herein, including the filing of a Claim for Damages which has been rejected by Defendants.

14 **FIRST CAUSE OF ACTION**

15 *Retaliation – Labor Code*

16 *[Labor Code § 1102.5]*

17 *Against the City of El Monte*

18 60. Plaintiff hereby incorporates each and every preceding paragraph as though set
19 forth in full here.

20 61. Labor Code section 1102.5 prohibits an employer, among other things, from
21 retaliating against an employee for disclosing a violation of state or federal statute, or a violation
22 or noncompliance with a state or federal rule or regulation.

23 62. As discussed above, Plaintiff disclosed and actively opposed Defendants'
24 violations of state and federal law. Defendants' actions against Plaintiff, regardless the pretext,
25 was done in retaliation for said disclosures, and thus violates section 1102.5.

26 **SECOND CAUSE OF ACTION**

27 *Attempts to Control Employee's Political Activities or Affiliations – Labor Code*

28 *[Labor Code § 1101, 1102]*

1 70. Defendants maliciously violated Government Code sections 3300 et seq. with the
2 intent to injure Plaintiff in retaliation for the lawful exercise of his statutory and constitutional
3 rights. Defendants are therefore liable for a civil penalty not to exceed twenty-five thousand
4 dollars (\$25,000) for each violation, for reasonable attorney's fees as may be determined by the
5 court, as well as Plaintiff's actual damages, as provided in Government Code Section 3309.5. In
6 engaging in the aforementioned activities, Plaintiff engaged in activities protected by these
7 statutes. As a direct result of the Plaintiff's protected speech, activities, and disclosures, the
8 Defendants took the aforementioned adverse actions against them. Absent said speech,
9 Defendants would not have taken said actions. In doing the things alleged herein, Defendants,
10 and each of them, violated the rights of Plaintiff as set forth herein.

11 71. In doing the things alleged herein, Defendants acted with malicious intent to
12 violate Plaintiff's rights, or at least in conscious, reckless, and callous disregard of Plaintiff's
13 rights and to the injurious consequences likely to result from a violation of said rights. General
14 and special damages are sought according to proof. Punitive damages are sought against the
15 individual defendants, according to proof.

16 **FOURTH CAUSE OF ACTION**

17 *Retaliation – Meyers-Milias-Brown Act*

18 *[Gov't Code §§ 3502.1, 3502, 3506]*

19 72. Plaintiff hereby incorporates each and every preceding paragraph as though set
20 forth in full here.

21 73. California Government Code section 3502.1 states that "No public employee shall
22 be subject to punitive action or denied promotion, or threatened with any such treatment, for the
23 exercise of lawful action as an elected, appointed, or recognized representative of any employee
24 bargaining unit."

25 74. Government Code sections 3502 and 3506 prohibit public agencies from
26 interfering with, or discriminating against, public employees because of their participation in the
27 activities of employee organizations for the purpose of representation on all matters of employer-
28 employee relations.

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[42 U.S.C. § 1983]

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1 in conjunction, directly violated and continued to violate Plaintiff's clearly established
 2 constitutional and statutory rights. In doing the things alleged herein, Defendants acted with
 3 malicious intent to violate Plaintiff's rights, or at least in conscious, reckless, and callous
 4 disregard of Plaintiff's rights and to the injurious consequences likely to result from a violation
 5 of said rights. General and special damages are sought according to proof. Punitive damages are
 6 sought against the individual defendant, according to proof.

7 81. Plaintiff has no plain, speedy nor adequate remedy at law to prevent future
 8 violations of his civil rights, and therefore seeks extraordinary relief in the form of permanent
 9 injunctions, as hereafter described. Damages alone are inadequate and injunctive relief is sought
 10 to command Defendants to place Plaintiff in the position he would have been in, absent the
 11 unlawful conduct of Defendants.

12 **WHEREFORE, Plaintiff prays for:**

- 13 1. General, compensatory, and special damages according to proof;
- 14 2. Punitive damages against the individually named defendants only;
- 15 3. Injunctive relief ordering Defendants
 - 16 a) To immediately return Plaintiff to the position he would have been in
 - 17 had he not been subjected to the adverse employment actions;
 - 18 b) To expunge any negative personnel documents provided by
 - 19 Defendants relating to the adverse actions that are the subject of this
 - 20 action; and
 - 21 c) To take any and all necessary and reasonable steps to remove the
 - 22 stigma and negative perception of Plaintiff;
- 23 4. Attorney's fees as permitted by law;
- 24 5. Costs of suit;
- 25 6. Interest as provided by law; and
- 26 7. Each other and further relief as the Court deems just and proper.

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2 Dated: March 29, 2012

Respectfully Submitted,
LACKIE, DAMMEIER & MCGILL APC

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6 Michael A. McGill
Christopher L. Gaspard
Attorneys for Plaintiff,
7 BRIAN GLICK

8
9 **DEMAND FOR TRIAL BY JURY**

10 Plaintiff hereby demands a trial by jury.

11
12 Dated: March 29, 2012

Respectfully Submitted,
LACKIE, DAMMEIER & MCGILL APC

13
14
15 Michael A. McGill
16 Christopher L. Gaspard
Attorneys for Plaintiff,
17 BRIAN GLICK

EXHIBIT “B”

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

CITY OF EL MONTE, a municipal corporation; RENE BOBADILLA,
individually and as City Manager for the City of El Monte (Attachment)

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

BRIAN GLICK

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ORIGINAL FILED

APR 02 2012

LOS ANGELES
SUPERIOR COURT

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Los Angeles Superior Court - Pomona South Court House
400 Civic Center Plaza, Pomona, CA 91766

CASE NUMBER:
(Número del Caso):

KC063495

R

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Christopher L. Gaspard, Esq., 367 N. Second Ave., Upland, CA 91786

DATE:
(Fecha)

APR 02 2012

Clerk, by
JOHN A. CLARKE (Secretario)

L. MASCORRO

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons. (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

4. ☐ by personal delivery on (date):

**CASE ASSIGNED FOR
ALL PURPOSES TO
JUDGE ROBERT A. DUKES
DEPT. R**

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and not a party to the within entitled action. My business address is 500 North Brand Boulevard, Suite 1660, Glendale, California 91203.

On August 29, 2012, I served the foregoing document(s) described as **NOTICE OF REMOVAL OF CIVIL ACTION** on the interested parties in this action by placing in the U.S. mail, an [] original or [X] true copies thereof enclosed in a sealed envelope with postage prepaid and addressed as follows:

Joel W. Baruch, Esq.
Nikki Fermin, Esq.
Law Offices of Joel W. Baruch, PC
2020 Main Street, Suite 900
Irvine, California 92614
Tel: (949) 864-9662
Fax: (949) 851-3185

Attorneys for Plaintiff,
BRIAN GLICK

[X] **(BY MAIL)** I caused such envelope to be deposited in the mail at Glendale, California. The envelope was mailed with postage thereon fully paid. As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence from mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Glendale, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

[] **(BY FACSIMILE TRANSMISSION)** I caused a true and complete copy of the document described above to be transmitted via facsimile transmission to the telephone number(s) set forth opposite the name(s) of the person(s) set forth above.

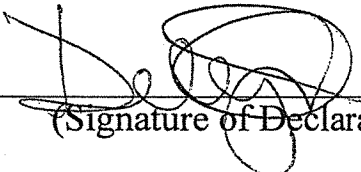
[] **(BY ELECTRONIC TRANSMISSION)** I caused such document to be delivered via electronic transmission to the addressee listed above.

[X] **(FEDERAL)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I served the documents by the means described above on August 29, 2012.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Delyn Spiers
(Type or Print Name)


(Signature of Declarant)